

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Richard James Stuke and
Latoy Company d/b/a Richard J. Stuke,

Civil No. 05-2463 (DWF/AJB)

Plaintiffs,

v.

ORDER

V. or v., Daniel A. Lindh, and
Doe Defendants as John Doe "A"
of John Doe's A-Z,

Defendants.

Richard James Stuke, *Pro Se*, Plaintiff.

Latoy Company, *Pro Se*, Plaintiff.

This matter is before the Court upon Plaintiff Richard James Stuke's objections to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated October 26, 2005, recommending that: (1) Plaintiff's "Application to Proceed Without Prepayment of Fees" be denied; and (2) this action be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Richard James Stuke's objections (Doc. No. 5) to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated October 26, 2005, are **DENIED**.
2. Magistrate Judge Arthur J. Boylan's Report and Recommendation dated October 26, 2005 (Doc. No. 4), is **ADOPTED**.
3. Plaintiff Richard James Stuke's "Application to Proceed Without Prepayment of Fees" (Doc. No. 2) is **DENIED**.
4. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Dated: November 30, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court